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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,038	12/05/2003	Madhavan Pisharodi	P-3643.03(CIP2)	1006
<div>7590 01/07/2008 Thomas E. Sisson JACKSON WALKER L.L.P. Suite 2100 112 E. Pecan Street San Antonio, TX 78205</div>			<div>EXAMINER PHILOGENE, PEDRO</div> <div>ART UNIT 3733</div> <div>PAPER NUMBER</div>	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,038

Applicant(s)

PISHARODI, MADHAVAN

Examiner

Pedro Philogene

Art Unit

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5,9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Errico et al. (5,520,690) in view of Blaushild (4,711,760).

With respect to the claims, Errico et al disclose a fastener system or a locking system (100,120,132) for reasably attaching or joining a first work piece with a second work piece (bone) comprising an opening, as best seen in FIG.3, in the first work piece (50) for receiving a unitary screw-collar ring assembly (132) comprising a screw or fastener (100) having a threaded first end (126), and an opposite head (122) and a collar ring member (132) having an inner ring aperture (138) and external thread (134), the collar ring member rotatingly coupled to an affixed about the opposite head of the screw member to retain the opposite head in the inner ring aperture ; as best seen in FIG.6; of the collar ring member and hold the screw member and the collar ring member as a unitary assembly; as set forth in column 8, lines 1-67, column 9, lines 1-55, and complimentary locking threads (111) in the openings in the first workpiece for engaging the collar ring member to the workpiece at the head such that axial and rotational movement of the screw member is restricted when the work piece is affixed to the

second work piece by urging and rotating the threaded first end of the screw member into the second workpiece.

It is noted that Errico et al did not teach of a complimentary locking threads threaded in a second direction opposite the first threaded direction of the screw member; as claimed by applicant. However, in a similar art, Blaushild evidences the use of complimentary threads threaded in a second direction opposite the first thread direction of a screw member to prevent loosening and pull the two components together.

Therefore, given the teaching of Blaushild, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Errico et al, as taught by Blaushild, to prevent loosening and pull the two components together.

Claims 4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Errico et al. (5,520,690) in view of Blaushild (4,711,760) in view of Sevrain et al. (6,589,244).

With respect to the claims, it is noted that the above combination of references discloses all the limitations, except for a wrench having an outer body with outwardly extending blades and the blades adapted to engage a slot in a top face of the collar; as claimed by applicant. However, in a similar art, Sevrain et al evidence the use of a wrench with having outer body with outwardly extending blades adapted to engage a

slot in a top face of the collar to serve as prongs that fasten the fastener to the work piece.

Therefore, given the teaching of Sevrain et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Errico/Blaushild, as taught by Sevrain et al., to serve as prongs that fasten the fastener to the work piece.

Response to Amendment

Applicant's arguments, see Remarks, filed 10/18/07, with respect to the rejection(s) of claim(s) 1-5,7,8 under 102/103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Errico et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro Philogene whose telephone number is (571) 272-4716. The examiner can normally be reached on Monday to Friday 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on (571) 272 - 4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pedro Philogene
January 3, 2008

